



CITY OF DURHAM | DURHAM COUNTY  
NORTH CAROLINA

ZONING CHANGE REPORT



Meeting Date: October 5, 2015

Table A. Summary			
Application Summary			
Case Number	Z1500011	Jurisdiction	City
Applicant	Lennar Carolinas, LLC	Submittal Date	February 23, 2015
Reference Name	Hanover Pointe Sub Area A	Site Acreage	13.47
Location	East Horseshoe Road, south of Pleasant Drive and north of Beall Street		
PIN(s)	See Attachment 5, Application		
Request			
Proposed Zoning	Planned Development Residential 6.038 (PDR 6.038)	Proposal	64 residential units
Site Characteristics			
Development Tier	Suburban Tier		
Land Use Designation	Low-Medium Density Residential (4-8 DU/Ac.)		
Existing Zoning	Planned Development Residential 4.760 (PDR 4.760)		
Existing Use	Vacant, undeveloped		
Overlay	F/J-B	Drainage Basin	Falls Lake
River Basin	Falls of the Neuse	Stream Basin	Little Lick Creek
Determination/Recommendation/Comments			
Staff	Staff determines that this request is consistent with the <i>Comprehensive Plan</i> and applicable policies and ordinances.		
Planning Commission	Recommend approval, 13-0 on August 11, 2015. The Planning Commission finds that the ordinance request is consistent with the adopted <i>Comprehensive Plan</i> . The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.		
DOST	No comments		
BPAC	No comments		

## A. Summary

This is a request to change the zoning designation of 13.47 acres (70 parcels) from PDR 4.760 to PDR 6.038 for 64 single-family dwelling units (committed). The site is located on the east side of East Horseshoe Road, south of Pleasant Drive and north of Beall Street

(see Attachment 1, Context Map). This request is consistent with the future land use designation of the *Comprehensive Plan* which designates this site as Low-Medium Density Residential (4-8 DU/Ac.) and Recreation and Open Space.

Appendix A provides supporting information.

## **B. Site History**

This site's current zoning designation of PDR 4.760 was approved by City Council (case Z06-04) on October 2, 2006 as part of a 63.295-acre development plan for a residential project for 158 single-family lots and 90 townhouses in three distinct sub-areas. Sub-Area A is designated to allow a maximum of 138 single-family units. The subject area is a portion of Sub-Area A which would allow a maximum of 61 single-family units. The applicant has not completed the residential project as currently designated because of committed offsite roadway improvement that was phased with this sub area. According to Public Works Engineering Department, "The Horseshoe Road section cannot be designed to meet stormwater criteria for water quality or quantity due to a combination of ordinance criteria and existing structures, drainage paths, and topographical elevations. As such it cannot be constructed as stipulated on the original zoning plan." With this application (case Z1500011) the project remains single-family residential with the same number of lots but with the proposed zoning designation seeking relief of the commitment that cannot be constructed. The remaining text commitments of Z06-04 related to this project have either been completed, deemed no longer applicable or are reflected in the present request. Supporting documentation is provided with Attachment 7, Applicant's Summary of Changes, Attachment 8, Engineering Analysis, and Attachment 9, Text Commitment Status.

## **C. Review Requirements**

Planning staff has performed a sufficiency review for this Zoning Map Change request (reference UDO Sec. 3.2.4, Application Requirements [general] and 3.5.5, Application Requirements [for a Zoning Map Change]). This staff report presents the staff findings per Sec. 3.5.8, Action by the Planning Director, on the request's consistency with the Unified Development Ordinance and applicable adopted plans.

This review is based primarily on compliance with any applicable laws, plans, or adopted policies of the City Council. Any issues or concerns raised in this report are based on best professional planning practice unless they have a basis in adopted plans, policies, and/or laws.

## **D. Unified Development Ordinance (UDO) Compliance**

This request is consistent with the requirements of the Unified Development Ordinance. The associated development plan (see Appendix A, Attachment 4, Development Plan reduction) provides the required elements for zoning map change requests in the PDR district (Sec. 3.5.6.D, and Sec. 6.11.3). In addition, commitments in excess of UDO requirements have been made (see Appendix D for supporting information):

**Text Commitments.** Text commitments have been proffered to commit to requirements in excess of ordinance standards. These commitments (see Table D5, Summary of Development Plan) include: buffer along the western project boundary, limitation of housing to be single-family, and donation to Durham Public Schools at a rate of \$500 per dwelling unit.

**Graphic Commitments.** Graphic commitments have been proffered which identify the location of tree preservation areas and site access points. At the Planning Commission public hearing graphics were presented which are considered commitments of the development plan per UDO 3.6.5.E and are included as sheets four and five of Attachment 4, Development Plan. The additional graphics are related to offsite pavement improvements on Horseshoe Road.

**Determination.** The requested PDR zoning district and associated development plan meets or exceeds the applicable requirements of the UDO. If this zoning map change request is approved, the attached development plan (Appendix A, Attachment 4) establishes the level of development allowed on the property.

## E. Adopted Plans

A zoning map change request must be consistent with the *Comprehensive Plan*. As such, other adopted plans have been included by reference in this document. Table E, Adopted Plans, in Appendix E identifies the applicable policies of the *Comprehensive Plan* and other adopted plans included by reference.

**Determination.** The requested zoning districts and associated development is consistent with the *Comprehensive Plan* and applicable policies.

Conditions in other adopted plans have been identified (see Appendix E, Table E):

**Eastern Durham Open Space Plan and Little Lick Creek Open Space Study.** This site is within the boundary of the Eastern Durham Open Space Plan and the Little Lick Creek Open Space Study. No specific recommendations have made of this site in either document. The goal of the open space plan is to preserve and protect open space which “includes areas with cultural and natural resource values, farmland, parkland, and greenway trails.” The two main goals of the Little Lick Creek Open Space Study are to protect drinking water and aquatic habitat.

## F. Site Conditions and Context

**Site Conditions.** The 13.47-acre site is comprised of 70 parcels and located on the east side of East Horseshoe Road, south of Pleasant Drive and north of Beall Street. This site is currently under development as a single-family subdivision in conformance with the present development plan (case Z06-04) but certificates of occupancy cannot be released until the commitment to improve Horseshoe Road to City Standards is resolved (approval of this subject request, case Z1500011). A perennial stream runs through the two southern-most parcels of the subject site; the 100-foot riparian buffer is appropriately reflected.

**Area Characteristics.** This site is in the Suburban Tier generally west of South Mineral Springs Road and south of Pleasant Drive. The site is also within the Eastern Durham Open Space Plan area and the Little Lick Creek Open Space Study area. As the name implies, the goal of the Eastern Durham Open Space Plan is to preserve and protect open space which “includes areas with cultural and natural resource values, farmland, parkland, and greenway trails.” The two main goals of the Little Lick Creek Open Space Study is to protect drinking water and aquatic habitat.

The site is ½ mile from a nonresidential node at the intersection of US 70 Highway and Pleasant Drive. The area more immediately surrounding the site is undergoing a change in character. The area was once predominantly used for agriculture and large single-family lots. Several development projects have been approved immediately surrounding the subject parcel and include a variety of housing types. The zoning districts in the area include RS-20 and PDR.

This area is within the F/J-B Watershed Protection Overlay district which limits impervious surface allowances on proposed development.

Appendix F provides a summary of the uses and zoning in the more immediate vicinity of the subject site.

**Determination.** The proposed PDR district meets the ordinance and policy requirements in relation to development on the subject site.

Neither the Eastern Durham Open Space Plan nor the Little Lick Creek Open Space Study make specific recommendations for this site other than applying the appropriate stream buffer for regulated streams; which is a Unified Development Ordinance requirement. In this case the development plan reflects the 100-foot riparian buffer, measured from top of bank on each side, for the stream.

This site is located in an area experiencing a change in character. The proposed PDR district commits to a residential use with single-family homes as the housing type. Both this use and type of housing is compatible within the surrounding area which includes both single and multi-family residential neighborhoods, once fully developed.

## **G. Infrastructure**

The impact of the requested change has been evaluated to suggest its potential impact on the transportation system, water and sewer systems, and schools. In each case, the impact of the change is evaluated based upon a change from the most intense development using the existing land use and zoning to the most intense use allowed under the request.

See Appendix G for additional information.

**Determination.** The proposed PDR district and associated development plan is consistent with *Comprehensive Plan* policies regarding infrastructure impacts of road, transit, drainage/stormwater, and schools. The proposal is estimated to increase the traffic

generation of the subject site by 31 daily trips, increase the students generated from the proposed use by one student, and increase the estimated water demand of the site by 465 gallons per day. The existing infrastructure has available capacity to meet these increases.

## H. Staff Analysis

Staff determines that this request is consistent with the *Comprehensive Plan* and applicable policies and ordinances. If the requested PDR zoning designation were approved, the development plan would further establish the development potential of the proposed development.

## I. Contacts

Table I. Contacts		
<b>Staff Contact</b>		
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov
<b>Applicant Contact</b>		
Agent: Robert Shunk, Stewart Engineering	Ph: 919-866-4792	rshunk@stewartinc.com

## J. Notification

Staff certifies that newspaper advertisements, letters to property owners within 600 feet of the site and the posting of a zoning sign on the property has been carried out in accordance with Section 3.2.5 of the UDO. In addition, the following neighborhood organizations were mailed notices:

- Inter-Neighborhood Council
- Partners Against Crime – District 1
- Fayetteville Street Planning Group
- Friends of Durham
- Unity in the Community for Progress

## K. Summary of Planning Commission Meeting August 11, 2015 (Case Z1500011)

**Staff Report:** Amy Wolff presented the staff report.

**Request:** Planned Development Residential 4.760 (PDR 4.760) to Planned Development Residential (4-8 DU/Ac.)

**Public Hearing:** Chair Harris opened the public hearing. One individual spoke in support and three individuals had questions. Chair Harris closed the public hearing.

**Commission Discussion:** Discussion centered on setbacks and traffic.

**MOTION:** To forward to City Council with a favorable recommendation. (Miller, Buzby 2<sup>nd</sup>)

**ACTION:** Motion carried, 13-0. (Ghosh recused himself)

**Findings:** The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.

## L. Supporting Information

Table K. Supporting Information		
Applicability of Supporting Information		
Appendix A	Application	Attachments: <ol style="list-style-type: none"> <li>1. Context Map</li> <li>2. Future Land Use Map</li> <li>3. Aerial Photography</li> <li>4. Development Plan Reduction</li> <li>5. Applications</li> <li>6. Submittal and Review History</li> </ol>
Appendix B	Site History	<ol style="list-style-type: none"> <li>7. Applicant's Summary of Changes</li> <li>8. Engineering Analysis</li> <li>9. Text Commitment Status</li> </ol>
Appendix C	Review Requirements	N/A
Appendix D	Unified Development Ordinance	Table D1: Designation Intent Table D2: District Requirements Table D3: Environmental Protection Table D4: Project Boundary Buffers Table D5: Summary of Development Plan
Appendix E	Adopted Plans	Table E: Adopted Plans
Appendix F	Site Conditions and Context	Table F: Site Context
Appendix G	Infrastructure	Table G1: Road Impacts Table G2: Transit Impacts Table G3: Utility Impacts Table G4: Drainage/Stormwater Impacts Table G5: School Impacts Table G6: Water Impacts
Appendix H	Staff Analysis	N/A
Appendix I	Contacts	N/A
Appendix J	Notification	N/A
Appendix K	Summary of Planning Commission Meeting	Attachments: <ol style="list-style-type: none"> <li>10. Planning Commissioner's Written</li> </ol>

Table K. Supporting Information		
		Comments
		11. Ordinance Form
		12. Consistency Statement

## Appendix A: Application Supporting Information

Attachments:

1. Context Map
2. Future Land Use Map
3. Aerial Photography
4. Development Plan Reduction
5. Application
6. Submittal and Review History

## Appendix B: Application Supporting Information

Attachments:

7. Applicant's Summary of Changes
8. Engineering Analysis
9. Text Commitment Status

## Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
<b>PDR</b>	<b>Planned Development Residential</b> - the PDR district is established to allow for design flexibility in residential development. A development plan is required with a request for this district, which shows a conceptual representation of the proposed site that indicates how the ordinance standards could be met. Any significant change to the development plan would require a new zoning petition. While PDR is primarily a residential district, other uses may be allowed under limited provisions of the ordinance.
<b>F/J-B</b>	<p><b>Falls/Jordan District B</b> – the purpose of the F/J-B Watershed Protection Overlay district is to preserve the quality of the region's drinking water supplies through application of the development standards intended to protect the environment. In general, water supply protection will be accomplished by establishing and maintaining low intensity land use and development on land near the region's water supply rivers and reservoirs. Where high density development is desired, water supply protection will be accomplished through the use of engineered stormwater controls. The overall objective is to:</p> <ul style="list-style-type: none"> <li>• Reduce the risk of pollution from stormwater running off of paved and other impervious surfaces; and</li> <li>• Reduce the risk of discharges of hazardous and toxic materials into the natural drainage system tributary to drinking water supplies.</li> </ul>

Table D2. District Requirements – PDR			
	Code Provision	Required	Committed
<b>Minimum Site Area (acres)</b>	6.11.3.B.1	4	13.47
<b>Residential Density (maximum)</b>	6.11.3.C	Specified on plan	6.038 (DU/Ac.)
<b>Maximum Height (feet)</b>	6.11.3.C.3	35	35
<b>Minimum Street Yard (feet)</b>	6.11.3.E.1	8	8

Table D3. Environmental Protection			
Resource Feature	UDO Provision	Required	Committed
<b>Tree Coverage</b>	8.3.1C	20.00% (2.23 acres)	24.17% (2.70 acres)
<b>Stream Protection (buffer in feet)</b>	8.5.4.B	100	100



Table D4. Project Boundary Buffers			
Cardinal Direction	Adjacent Zone	Required Opacity	Proposed Opacity
North	PDR 4.400	0/0	N/A
	RS-20	0/0	N/A
East	RS-20	0/0	N/A
	PDR 4.760		
South	RS-20	0/0	N/A
West	RS-20	0/0	0.8 (50 feet) as shown

Table D5. Summary of Development Plan		
Components	Description	Development Plan Sheet
Required Information	<b>Intensity/Density.</b> 64 units	DP-2.0
	<b>Building/Parking Envelope</b> is appropriately identified	DP-2.0
	<b>Project Boundary Buffers.</b> None required at the time of this request.	N/A
	<b>Stream Crossing.</b> None shown.	N/A
	<b>Access Points.</b> Four (4) external site access points have been identified.	DP-2.0
	<b>Dedications and Reservations.</b> None.	N/A
	<b>Impervious Area.</b> 52.18% = 5.83 acres	DP-2.0
	<b>Environmental Features.</b> Perennial stream.	DP-2.0
	<b>Areas for Preservation.</b> Stream buffer and tree preservation as shown.	DP-2.0
	<b>Tree Coverage.</b> 24.17% (2.70 acres) as shown.	DP-2.0
Graphic Commitments	Location of tree preservation areas. Location of access points. Offsite pavement improvement on Horseshoe Road.	DP-2.0
Text Commitments	<ol style="list-style-type: none"> <li>1. Provide a 50 foot, 80% opacity buffer along the northern property line of parcel 0840-02-85-0505, along the eastern and northern property line of parcel 0840-02-75-8741 extending northward to the point opposite the project boundary line identified as S87 25 20 E, 355.58' as shown on DP2.0.</li> <li>2. Zero lot line houses will not be permitted.</li> <li>3. The developer shall provide \$500 per dwelling unit at the time of building permit as a donation to the Durham Public School System.</li> <li>4. Housing type limited to single-family.</li> </ol> <p><b>Prior to the issuance of a Certificate of Occupancy:</b></p> <ol style="list-style-type: none"> <li>5. Intersection improvements at Pleasant Drive and Horseshoe Drive shall be provided as shown on DP 2.0 and as directed by the NCDOT.</li> <li>6. Will improve East Horseshoe Drive, South Horseshoe Drive and a portion of Western Horseshoe Drive to Pleasant Drive per NCDOT standards.</li> </ol>	Cover
SIA Commitments	None provided	N/A

## Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
<i>Comprehensive Plan</i>	
Policy	Requirement
<b>Future Land Use Map</b>	<b>Low-Medium Density Residential (4-8 DU/Ac.):</b> Land primarily used for a range of residential uses at four to eight dwelling units an acre. <b>Suburban Tier:</b> Land uses that shall be allowed include Recreation and Open Space, Agricultural, Residential, Institutional, Commercial, Office, Research/Research Application, and Industrial.
<b>2.2.2a</b>	<b>Suburban Tier Development Focus:</b> Ensure that the Suburban Tier has sufficient land to accommodate anticipated population growth and its attendant demands for housing, employment, and goods and services, including opportunities for affordable housing and recreation.
<b>2.2.2b</b>	<b>Suburban Tier Land Uses:</b> Land uses that shall be allowed include Recreation and Open Space, Agricultural, Residential, Institutional, Commercial, Office, Research/Research Application, and Industrial.
<b>2.3.1a</b>	<b>Contiguous Development:</b> Support orderly development patterns that take advantage of the existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development within the Urban Growth Area.
<b>2.3.2a</b>	<b>Infrastructure Capacity.</b> Consider the impacts to the existing capacities of the transportation, water, and sewer systems, and other public facilities and services. Measure from the potential maximum impact of current policy or regulation to the potential maximum impact of the proposed change in policy or regulation.
<b>7.2.2d</b>	<b>Open Space Master Plans.</b> Adopts by reference the Eastern Durham Open Space Plan, 2007.
<b>8.1.2i</b>	<b>Transportation Level of Service Maintenance:</b> Not recommend approval for any zoning map change which would result in the average daily trips exceeding 110% of the adopted level of service standards for any adjacent road, unless the impact on the adjacent roads is mitigated.
<b>11.1.1a</b>	<b>School Level of Service Standard:</b> The level of service for public school facilities shall be established as a maximum enrollment of 110 percent of the system's maximum permanent building capacity, measured on a system-wide basis for each type of facility.
<b>11.1.1b</b>	<b>Adequate Schools Facilities:</b> Recommend denial of all Zoning Map amendments that proposed to allow an increase in projected student generation over that of the existing zoning that would cause schools of any type to exceed the level of service.

<b>Table E. Adopted Plans</b>
<b><i>Eastern Durham Open Space Plan</i></b>
The goal of the Eastern Durham Open Space Plan is to preserve and protect open space which “includes areas with cultural and natural resource values, farmland, parkland, and greenway trails.”
<b><i>Little Lick Creek Open Space Study</i></b>
The two main goals of the Little Lick Creek Open Space Study is to protect drinking water and aquatic habitat.

## Appendix F: Site Conditions and Context Supporting Information

<b>Table F. Site Context</b>			
	<b>Existing Uses</b>	<b>Zoning Districts</b>	<b>Overlays</b>
<b>North</b>	Single-family residential, undeveloped	RS-20, PDR 4.400	F/J-B
<b>East</b>	Single-family residential	PDR 4.760	F/J-B
<b>South</b>	Single-family residential, undeveloped	RS-20	F/J-B
<b>West</b>	Single-family residential	RS-20	F/J-B

## Appendix G: Infrastructure Supporting Information

<b>Table G1. Road Impacts</b>		
Mineral Springs Road and Pleasant Drive are the major roads impacted by the proposed zoning change. There are no scheduled NCDOT roadway improvement projects in the area.		
<b>Affected Segments</b>	<b>Pleasant Drive</b>	<b>Mineral Springs Road</b>
<b>Current Roadway Capacity (LOS D) (AADT)</b>	10,700	10,700
<b>Latest Traffic Volume (AADT)</b>	4,400	11,000
<b>Traffic Generated by Present Designation (average 24 hour)*</b>	666	
<b>Traffic Generated by Proposed Designation (average 24 hour)**</b>	697	
<b>Impact of Proposed Designation</b>	+31	

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2012)

Mineral Springs Road: 2-lane city/county Class II arterial roadway without left-turn lanes

Pleasant Drive: 2-lane city/county Class II arterial roadway without left-turn lanes

Source of Latest Traffic Volume: 2011 NCDOT Traffic Count Map

\*Assumption- (Max Use of Existing Zoning) – PDR 4.760: 61 single-family units

\*\*Assumption- (Max Use of Existing Zoning) – PDR 6.038: 64 single-family units

**Table G2. Transit Impacts**

Transit service is not provided within one-quarter mile of the site.

**Table G3. Utility Impacts**

This site will be served by City water and sewer.

**Table G4. Drainage/Stormwater Impacts**

The impacts of any change will be assessed at the time of site plan review. The subject site is of sufficient size and shape to accommodate appropriate stormwater facilities that may be required at this time.

**Table G5. School Impacts**

The proposed zoning is estimated to generate 22 students. This represents an increase of one student from the existing zoning. Durham Public Schools serving the site are Spring Valley Elementary School, Neal Middle School, and Southern High School.

Students	Elementary School	Middle School	High School
Current Building Capacity	16,794	7,760	10,259
Maximum Building Capacity (110% of Building Capacity)	18,473	8,536	11,285
20 <sup>th</sup> Day Attendance (2014-15 School Year)	16,545	7,465	10,074
Committed to Date (April 2012 – March 2015)	123	51	13
Available Capacity	1,805	1,020	1,198
Potential Students Generated – Current Zoning*	9	5	7
Potential Students Generated – Proposed Zoning**	10	5	7
Impact of Proposed Zoning	+1	0	0

\*Assumption- (Max Use of Existing Zoning) – PDR 4.760: 61 single-family units

\*\*Assumption- (Max Use of Existing Zoning) – PDR 6.038: 64 single-family units

Table G6. Water Supply Impacts	
This site is estimated to generate a total of 9,920 GPD if developed to its maximum potential with the proposed zoning district. This represents an increase of 465 GPD over the existing zoning district.	
Current Water Supply Capacity	37.00 MGD
Present Usage	21.523 MGD
Approved Zoning Map Changes (April 2012 – March 2015)	0.31 MGD
Available Capacity	15.17 MGD
Estimated Water Demand Under Present Zoning*	9,920 GPD
Potential Water Demand Under Proposed Zoning**	9,455 GPD
Potential Impact of Zoning Map Change	+465

Notes: MGD = Million gallons per day

\*Assumption- (Max Use of Existing Zoning) – PDR 4.760: 61 single-family units

\*\*Assumption- (Max Use of Existing Zoning) – PDR 6.038: 64 single-family units

## Appendix K: Summary of Planning Commission Meeting

Attachments:

10. Planning Commissioner's Written Comments
11. Ordinance Form
12. Consistency Statement